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7
8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,

Plaintiff,

11 v.

12 MICHAEL JONES,

13 Defendant.

Case Nos.: 2:15-cr-00174-KJD-PAL

2:18-cr-00023-KJD-BNW

**STIPULATION FOR PRE-SENTENCE
PAYMENT TOWARD RESTITUTION**

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15 The parties, pursuant to 28 U.S.C. §§ 2041-2042, hereby stipulate to the pre-sentence
16 deposit of funds to be withdrawn and applied toward Defendant Michael Jones' restitution
17 amount in this matter at the time judgment is entered. The stipulation is based on the
18 following:

19 1. On February 3, 2016, Defendant Michael Jones ("Jones") was charged by
20 superseding indictment with one count of Conspiracy to Commit Mail Fraud and Wire
21 Fraud in violation of 18 U.S.C. §§ 1349 and ten counts of Wire Fraud in violation of 18
22 U.S.C. § 1343. ECF No. 38.

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2. Pursuant to a written plea agreement, Jones agreed to the consolidation of the charges against him in United States of America v. Michael Jones et al, Case No. 2:15-cr-00174-KJD-PAL, and in United States of America v. Michael Jones, Case No. 2:18-cr-00023-KJD-BNW and agreed to plead guilty to the following charges:

a. Case No. 2:15-cr-00174-KJD-PAL: Count 1 of the superseding indictment, Conspiracy to Commit Mail Fraud and Wire Fraud in violation of 18 U.S.C. §§ 1349 and Counts 2 through 11 of the superseding indictment, Wire Fraud in violation of 18 U.S.C. § 1343.¹

b. Case No. 2:18-cr-00023-KJD-BNW: Count 1 of the (Indictment/Information), Conspiracy to Commit Mail Fraud and Wire Fraud in violation of 18 U.S.C. §§ 1349.²

3. Pursuant to the Plea Agreement, in exchange for the benefits received under the Plea Agreement, Jones agreed “to pay full restitution in the amount of \$11,509,087.67 to the fraud scheme victims” to be “divided among the victims associated with the consolidated indictment and information as follows”:

a. \$3,574,992.35 in United States of America v. Michael Jones et al, Case No. 2:15-cr-00174-KJD-PAL, to be held jointly and severally liable with any codefendants³, and;

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¹ ECF No. 213 (*Plea Agreement*) and ECF No. 206 (*Change of Plea*).

² ECF No. 21 (*Plea Agreement*) and ECF No. 20 (*Change of Plea*).

³ ECF No. 213 at 20.

b. \$7,934,095.32 in in United States of America v. Michael Jones, Case No. 2:18-cr-00023-KJD-BNW to be held jointly and severally liable with any codefendants.⁴

4. The parties have conferred and hereby stipulate to the pre-sentence deposit of restitution funds with the Clerk of Court, to be held until the Judgment is entered in this matter by the Court.

5. The parties seek an order directing the Clerk of Court to accept Jones's pre-sentence payments for restitution. Pursuant to 28 U.S.C. § 2041, the Clerk of Court is authorized to accept and hold such funds on behalf of Kennedy until the time of sentencing, which is currently scheduled for December 16, 2021. Further, pursuant to 28 U.S.C. § 2042, the parties request an order that upon the entry of a criminal judgment in this case, the Clerk of Court is to withdraw and apply the deposited funds to the criminal financial obligations, including restitution, imposed against Jones in the sequence established in 18 U.S.C. § 3612(c).

6. Jones may submit payment by cash, cashier's check, or money order made payable to "Clerk, U.S. District Court" with "2:15-cr-00174-KJD-PAL" or "2:18-cr-00023-KJD-BNW," as appropriate, noted on each payment mailed or delivered to:

Clerk of the Court, District of Nevada

333 Las Vegas Boulevard, South

Room 1334

Las Vegas, Nevada 89101

⁴ ECF No. 21 at 20.

1 WHEREFORE, the parties stipulate for an order directing the Clerk of Court to
2 accept pre-sentence payments to be held on deposit until judgment is entered, and thereafter
3 applied toward the criminal monetary penalties, including restitution, imposed in this
4 matter as provided by law and in accordance with the Clerk's standard operating
5 procedures.

6 Respectfully submitted this 14th day of February 2023.

7 JASON M. FRIERSON
8 United States Attorney

RASMUSSEN LAW P.C.

9 */s/ Daniel J. Cowhig*

10 DANIEL J. COWHIG
Assistant United States Attorney

/s/ Chris T. Rasmussen

CHRIS T. RASMUSSEN
Attorney for Defendant Michael Jones

11 **IT IS SO ORDERED:**

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14 THE HONORABLE KENT J. DAWSON
15 UNITED STATES DISTRICT JUDGE

16 DATED: 2/15/2023